

67th Legislature - 1981

H.R. 7 by Davis

1 SYNOPSIS OF PROPOSED HOUSE RULES

2 The accompanying resolution proposes rules of procedure for
3 the House of Representatives of the 67th Legislature. This
4 synopsis explains the differences between these proposed rules and
5 the rules of the 66th Legislature.

6 The resolution makes two kinds of changes in the previous
7 rules: formal and substantive.

8 FORMAL CHANGES

9 The formal changes in the rules result from a
10 "recodification" of the rules, which arose from a project begun
11 during the 65th Legislative interim by a subcommittee of the
12 Committee on Rules. The subcommittee, chaired by Representative
13 Chris Miller, was charged with reorganizing the House Rules so that
14 provisions were more readily accessible. The redrafting of the
15 rules under this project was to be nonsubstantive in nature.

16 The subcommittee requested the assistance of the Texas
17 Legislative Council in researching possible means to accomplish its
18 charge and in the actual drafting.

19 After discussion of various options, the subcommittee adopted
20 three major proposals: (1) to arrange the rules in a more logical
21 order, with related topics grouped together into chapters; (2) to
22 use captions to allow scanning and rapid identification of the
23 subject of each specific rule; and (3) to add a topical index to
24 the annotated version of the rules that is published in the Texas
25 Legislative Manual.

26 The council was then asked to produce a draft of the
27 recodified rules. Two decisions were made concerning the drafting
28 of the rules: (1) to use a numbering system similar to the one
29 used for codes to allow for additions to the rules without
30 extensive renumbering or placing items out of order; and (2) to
31 reword sections where necessary to clarify the language and to

1 conform to modern drafting style. Changes are underlined and
2 bracketed, and the source rule is cited at the end of each section
3 for comparison. As the rules were drafted, each chapter was
4 reviewed by the house parliamentarian and the chief clerk. The
5 finished draft was unanimously approved by the subcommittee and
6 delivered to the full Committee on Rules. During the 66th Regular
7 Session, the recodification was introduced as House Resolution No.
8 57 by Representative Florence, chairman of the Committee on Rules.
9 H.R. No. 57 was considered by the full committee in public hearing
10 and subsequently reported favorably by a unanimous vote. Due to
11 time constraints late in the session, when several major pieces of
12 legislation remained on the agenda, the house was unable to devote
13 time to considering the proposed recodification.

14 During the 66th Legislative interim, the Committee on Rules
15 again considered the reorganized rules and voted unanimously in
16 public hearing to recommend in its interim report that the
17 recodification be adopted by the house.

18 In the course of drafting proposed amendments to the rules in
19 the reorganized format, certain problems came to light in regard to
20 keeping track of section numbers and adding new sections. A
21 suggestion was also made to alter the order of the chapters
22 somewhat and to convert some of the smaller chapters into
23 subchapters of a larger chapter. As a result, the number of
24 chapters was reduced from 10 to 7 and more subchapters were
25 created. Most subsections became sections, and several sections
26 were reserved at the end of each subchapter for possible future
27 expansion.

28 SUBSTANTIVE CHANGES

29 Substantive changes proposed or approved by the speaker have
30 been incorporated into the enclosed recodified rules. Since both
31 the nonsubstantive changes made in the course of the recodification
32 and the substantive changes are identified by underlining and

1 bracketing, the following explanation of the substantive changes is
2 provided so that members will not have to resort to a
3 section-by-section comparison of the old and new versions to
4 distinguish between substantive and nonsubstantive changes.

5 1. Sec. 2.03 (page 18); Sec. 2.04 (page 19); Sec. 4.237
6 (page 124). To make use of the capabilities of the new voting
7 machine, certain duties and responsibilities of house officers are
8 rearranged to increase efficiency. Under the new rule, the reading
9 clerk will be responsible for locking the machines of absent
10 members and the sergeant-at-arms will no longer remove the keys of
11 absent members.

12 2. Sec. 3.001 (page 25). After a survey of the work load
13 encountered by the house committees, both last session and during
14 the interim, and in anticipation of the vital issues, such as
15 redistricting, that will be faced this session, the number of
16 members on six committees has been changed and two standing
17 subcommittees have been added, as follows:

18 (a) Regions, Compacts, and Districts -- 11 to 19

19 (b) Higher Education -- 11 to 13

20 (c) House Administration -- 9 to 7

21 (d) Business and Industry -- 11 to 9

22 (e) Liquor Regulation -- 11 to 9

23 (f) Security and Sanctions -- 11 to 9

24 Subcommittee on Pensions, Committee on Employment Practices
25 (5 members).

26 Subcommittee on Aging, Committee on Human Services (5
27 members).

28 The General Investigating Committee is added to the rules
29 under Special and Select Committees. With this committee added to

1 the rules, a resolution to establish the committee need not be
2 adopted every session.

3 3. Sec. 3.004 (page 26); Sec. 3.022 (page 38). During last
4 session some confusion developed over the jurisdictions of the
5 Committee on Calendars and the Committee on Local and Consent
6 Calendars, as well as the process by which bills were forwarded
7 from substantive committee to committee coordinator to each
8 calendar committee. The jurisdiction of each committee and
9 forwarding procedures for committee reports have been clarified to
10 better serve the will of the house and to expedite the handling of
11 legislation.

12 4. Sec. 3.054 (page 47). Removes the prohibition against
13 the chair of the Appropriations, Intergovernmental Affairs, State
14 Affairs, or Ways and Means Committee serving on another substantive
15 committee.

16 5. Sec. 3.118 (page 62). The requirement that the date a
17 fiscal note was requested be included on the committee report form
18 is deleted. Fiscal notes are dated, so this requirement was found
19 to be unnecessary. Also, whether a bill proposes new law or amends
20 existing law will be required by the rules to be on the committee
21 report form. This ratifies past practice, and the information is
22 still required to be in the bill analysis.

23 6. Sec. 3.120 (page 67). Due to the passage of H.B. No.
24 1506 and H.B. No. 2206 last session, a provision has been added
25 after the fiscal note section to require that an actuarial analysis
26 be obtained and attached to any bill that may affect the actuarial
27 soundness of a public retirement system. Generally, the actuarial
28 analysis will show the economic effect of the proposed bill or
29 resolution on the public retirement system being addressed. The
30 procedures governing the actuarial analysis will be substantially
31 the same as those governing fiscal notes.

32 7. Sec. 4.032(d) (page 90). To clarify and uniformly apply

1 the intent of the house to all persons admitted to the chamber,
2 cross-reference is made here to the section on prohibition of
3 lobbying in the house chamber.

4 8. Sec. 4.301 (page 132). To clarify when motions to
5 suspend the rules are in order, "on a main motion" is inserted to
6 ensure that the primary motion before the house be dispensed with
7 before another motion to suspend is in order.

8 9. Sec. 5.009 (page 144); Sec. 5.111 (page 165). Due to the
9 large increase in the demand for legislative information, the
10 number of copies of bills required to be filed with the chief clerk
11 is increased by 2, to 12 for regular bills and resolutions and to
12 14 for water district bills.

13 10. Sec. 5.010 (page 145). During the four sessions that
14 the current rule on publication of notice of local bills has been
15 in effect, some confusion has resulted from the unclear way that
16 "local bill" has been defined. The term is redefined to remove any
17 ambiguity by listing five specific types of bills for which
18 publication will be required. Also, the burden has been removed
19 from the chief clerk to determine whether any particular bill must
20 have evidence of publication attached.

21 11. Sec. 5.012 (page 147). In order to ensure a uniform
22 interpretation of the preference number system, Section 5.012
23 clarifies the rule by providing that only the principal author may
24 designate a bill as a preferred bill, the bill must be designated
25 as preferred before it is heard in committee, a senate bill may not
26 be preferred, and all preferred bills are placed at the top of the
27 general state calendar in their order of preference.

28 12. Sec. 5.052 (page 156). To correct an inadvertent
29 omission, the Judiciary Committee is defined as substantive for the
30 purposes of this section. This change will better distribute the
31 budget and oversight functions between the committees on Judiciary
32 and Judicial Affairs.

1 13. Sec. 5.058 (page 159). To better describe the duties of
2 the vice-chairman for appropriative matters and to emphasize the
3 oversight function, the title has been changed to chair for budget
4 and oversight.

5 14. Sec. 5.058 (page 159). Because of the large number of
6 institutions of higher education in the state and in order to
7 facilitate a thorough exercise of the responsibilities of the
8 Committee on Higher Education, an additional subcommittee for
9 budget and oversight, together with its chair, is added to the
10 committee. This addition would allow more comprehensive
11 deliberation of the budgeting and oversight process for the state's
12 colleges and universities.

13 15. Sec. 5.066 (page 163); Sec. 6.44(b)(5) (page 176). To
14 assure that state spending does not exceed the estimated rate of
15 growth of the state's economy (see Article VIII, Section 22, of the
16 constitution and Article 5429c-4, Revised Civil Statutes of Texas,
17 1925), a provision in the house rules becomes necessary. Section
18 5.066(a) of the proposed rules prohibits (with certain exceptions)
19 the speaker from laying out, prior to final passage of the general
20 appropriations bill, any bill that appropriates funds not dedicated
21 by the constitution. Bills that would authorize a program or a
22 future expenditure are not affected. Section 5.066(b), the essence
23 of the rule, provides that it is not in order for the house to
24 consider for final passage any bill appropriating funds in excess
25 of the constitutional spending limit. As a result of this new
26 rule, the conference committee on the general appropriations bill
27 needs expanded authority to consider appropriations for purposes or
28 programs authorized by bills previously passed and contingent
29 appropriations for purposes or programs authorized by bills that
30 have passed one house. This authority is provided in Section
31 6.44(b)(5).

32 16. Sec. 5.141 (page 169). In order to streamline the flow
33 of legislation, but not to diminish the member's access to

1 information, the engrossment printing is eliminated. This printing
2 was previously done after a bill was finally passed by the house
3 and sent to the senate. Members of course will be able to obtain
4 copies of engrossed bills they need. This change would result in
5 substantial savings and it would make the house printing practice
6 more consistent with that of the senate.

7 17. Sec. 6.44(f) (page 179). Because of the extremely tight
8 time constraints encountered in the final hours of each session,
9 resolutions authorizing changes in a conference committee report on
10 an appropriation bill are made privileged upon their introduction.